

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DON RYAN**, on December 14, 2005 at 2:50 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Don Ryan, Chairman (D)
Sen. Gregory D. Barkus (R)
Sen. Jerry W. Black (R)
Sen. Jim Elliott (D)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Bob Story Jr. (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Lois O'Connor, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 1, 12/12/2005
Executive Action: SB 1

00:00:00

RECONVENE

The Committee reconvened at 2:50 p.m with a procedural question from **SEN. STORY** TO **SEN. RYAN**.

00:02:56

EXECUTIVE ACTION ON SB 1

00:03:48

Motion: **SEN. RYAN** moved that SB 1 DO PASS.

00:03:55

Motion/Vote: **SEN. STORY** moved the approval of and explained amendment #SB000101.acl. Motion carried unanimously by voice vote.

EXHIBIT(eds01b01)

Motion: **SEN. STORY** moved the approval of and explained amendment #SB000102.acl.

EXHIBIT(eds01b02)

Discussion:

00:09:58 **SEN. GILLAN** for **SEN. STORY** and **Superintendent McCulloch** regarding whether OPI currently had best practice proposals for at-risk and American Indian students.

00:13:58

Vote: **SEN. STORY'S** motion failed on a 5 to 6 roll call vote with **SENATORS BARKUS, BLACK, MANGAN, MCGEE, AND STORY** voting aye.

00:17:54

Motion: **SEN. STORY** moved the approval of and explained amendment #SB000102.ace.

EXHIBIT(eds01b03)

Discussion:

00:19:09 **SEN. ELLIOTT** for **SEN. STORY** regarding the
necessity for amendment #SB000102.ace.

00:21:24

Vote: **SEN. STORY'S** motion carried unanimously by voice vote.

00:21:34

Motion: **SEN. STORY** moved the approval of amendment
#SB000101.ace.

EXHIBIT(eds01b04)

Discussion:

00:23:08 **Connie Erickson, Research Analyst, Legislative
Services Division,** explained amendment
#SB000101.ace.

00:31:43 **SEN. RYAN** opposed #SB000101.ace and asked **SEN.
STORY** whether the amendment redirected direct
state aid and changed budget authority by a
similar amount.

00:35:44 **SEN. ELLIOTT** for **SEN. STORY** regarding whether an
opportunity would exist for school districts to
hire additional FTE from a separate fund and
leverage more money beyond that amount.

00:44:02

Vote: **SEN. STORY'S** motion failed on a 4 to 7 roll call vote with
SENATORS BLACK, BARKUS, MCGEE, and **STORY** voting aye.

00:45:49

Motion: **SEN. MCGEE** moved the approval of and explained amendment
#SB000104.agp. He also provided bullet list of information
germane to special education.

EXHIBIT(eds01b05)

EXHIBIT(eds01b06)

Discussion:

00:52:19 **SEN. MANGAN** opposed the amendment #SB000104.agp and provided a memo from Superintendent McCulloch regarding Indian Education For All.

EXHIBIT(eds01b07)

00:54:11 **SEN. LASLOVICH** requested comments from Superintendent McCulloch.

00:58:17

Vote: **SEN. MCGEE'S** motion failed on a 4 to 7 roll call vote with **SENATORS BARKUS, BLACK, MCGEE, and STORY** voting aye.

00:59:55

Motion: **SEN. MANGAN** moved the approval of amendment #SB000105.agp on behalf of **SEN. JOHN COBB**.

EXHIBIT(eds01b08)

Discussion:

01:02:19 **SEN. MCGEE** for **SEN. MANGAN** and **SEN. STORY** regarding a reiteration of the funding included in the amendment.

01:05:32 **SEN. RYAN** opposed the amendment because the monetary impact to school districts was unknown.

01:06:59

Vote: **SEN. MANGAN'S** motion passed on an 8 to 3 voice vote with **SENATORS RYAN, MCGEE, and LASLOVICH** voting no.

01:11:16

Motion: **SEN. MANGAN** moved the approval of and explained amendment #SB000105.aem.

EXHIBIT(eds01b09)

Discussion:

01:15:01 **SEN. GILLAN** for **SEN. MANGAN** regarding whether the Governor supported amendment #SB000105.aem.

01:16:55

Vote: SEN. MANGAN'S motion carried on a 7 to 4 roll call vote with SENATORS BARKUS, BLACK, MCGEE, and STORY voting nay.

01:18:35

Motion: SEN. MANGAN moved the approval of and explained amendment #SB000103.aem.

EXHIBIT(eds01b10)

Discussion:

01:19:27 **SEN. RYAN** asked several questions to clarify who would qualify for the quality educator payment.

01:23:44 **Claudette Morton, Helena,** responded to one of **SEN. RYAN'S** questions.

01:25:30 **SEN. STORY** requested comments from **Superintendent McCulloch** on part- and full-time FTE and whether they could be counted more than once under the amendment.

01:49:30 **SEN. MCGEE** requested that amendment #SB000103.aem be segregated into three parts.

Following a brief recess:

01:50:16 **SEN. MANGAN** requested that amendment #SB000103.aem remain as written and asked **Madalyn Quinlan, OPI,** to explain.

01:53:02 **SEN. GILLAN** for **Ms. Quinlan** regarding whether the amendment would affect larger school districts.

01:53:39 **SEN. RYAN** for **SEN. MANGAN** regarding whether subsection (1)(a) should be stricken from amendment #SB000103.aem.

01:55:15 **SENATORS MCGEE and STORY** felt that the language should remain.

01:58:32 **SEN. RYAN** requested comments from **Ms. Quinlan.**

01:59:34 **SEN. RYAN** spoke about the funding for the School for the Deaf and Blind.

02:02:38 **SEN. MANGAN** suggested voting on amendment #SB000103.aem as written with another amendment, as suggested by **Ms. Quinlan**, to be available for Committee review.

02:05:26

Vote: SEN. MANGAN'S motion carried on a 9 to 2 voice vote with SENATORS BARKUS AND STORY voting nay.

02:06:03

Motion: SEN. STORY moved the approval of amendment #SB000102.agp of behalf of SEN. GRIMES.

EXHIBIT(eds01b11)

Discussion:

02:07:44 **SEN. RYAN** explained why he opposed amendment #SB000102.agp.

02:09:58

Vote: SEN. STORY'S motion failed on a 4 to 7 roll call vote with SENATORS BARKUS, BLACK, MCGEE, and STORY voting aye.

02:11:43

Motion: SEN. MANGAN moved the approval of amendment #SB000107.aem.

EXHIBIT(eds01b12)

Discussion:

02:12:56 **SEN. RYAN** opposed amendment #SB000107.aem because of its long-term fiscal implications.

02:14:29 **SEN. STORY** agreed with **SEN. RYAN'S** comments.

02:18:08

Vote: SEN. MANGAN'S motion failed on a 4 to 7 roll call vote with SENATORS GILLAN, KITZENBERG, LASLOVICH, and MANGAN voting aye.

02:19:19

Motion: SEN. MANGAN moved the approval of amendment #SBSB000101.aem.

EXHIBIT(eds01b13)

Discussion:

02:36:21 SEN. ELLIOTT opposed amendment #SB000101.aem because of its cost and provided historical data on oil and gas lease and bonus payments.

EXHIBIT(eds01b14)

02:25:01 SEN. RYAN also opposed the amendment.

02:30:24 SEN. GILLAN made several comments regarding SB000101.aem.

02:35:04

Motion: SEN. MANGAN'S motion failed on a 3 to 8 roll call vote with SENATORS GILLAN, LASLOVICH, and MANGAN voting aye.

02:36:39

Motion/Vote: SEN. MANGAN moved to reconsider its action on the previous amendment #SB000103.aem. Motion carried unanimously by voice vote.

02:37:51

Motion: SEN. MANGAN moved a SUBSTITUTE MOTION to strike the previous amendment #SB000103.aem and replace it with the new version of #SB000103.aem.

EXHIBIT(eds01b15)

Discussion

02:41:03 SEN. STORY for SEN. RYAN and Ms. Quinlan regarding whether language exists in HB 1 stating that the proposed funding must to be used for the purposes indicated.

02:42:06 SEN. RYAN said that language could be added that the funding be directed toward educational purposes when HB 1 reaches the Senate.

02:43:43 **SEN. MCGEE** asked **Amy Carlson, Office of Budget and Program Planning (OBPP)**, for comments on the previous question.

02:49:23

Vote: **SEN. MANGAN'S** motion carried on an 8 to 3 voice vote with **SENATORS STORY, BARKUS, and ELLIOTT** voting nay.

02:49:55

Motion: **SEN. RYAN** moved that **SB 1 DO PASS AS AMENDED**.

02:50:56

Discussion:

02:51:22 **SEN. STORY** for **Ms. Quinlan** regarding the possibility of the need for any supplementals related to SB 1.

02:55:09 **SEN. MANGAN** stated that the Legislature would have to revisit the at-risk component of SB 1 when it is returned from the House.

02:57:11

Vote: **SEN. RYAN'S** motion carried on a 10 to 1 roll call vote with **SEN. STORY** voting nay.

ADJOURNMENT

Adjournment: 5:50 P.M.

SEN. DON RYAN, Chairman

LOIS O'CONNOR, Secretary

DR/lo

Additional Exhibits:

EXHIBIT ([eds01bad0.PDF](#))